

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KRISTEN MANTIKAS, KRISTIN BURNS,
and LINDA CASTLE, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

KELLOGG COMPANY,

Defendant.

No. 2:16-cv-2552-SJF-AYS

Hon. Sandra J. Feuerstein

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Kristen Mantikas, Kristin Burns and Linda Castle hereby appeal to the United States Court of Appeals for the Second Circuit from the Opinion and Order granting Defendant's Motion to Dismiss dated May 31, 2017 (ECF No. 26).

Plaintiffs disclaim any intent to amend their complaint in response to the Court's Order, thus rendering the Court's order final and appealable. *See Slayton v. Am. Express Co.*, 460 F.3d 215 (2d Cir. 2006); *Connecticut Nat'l Bank v. Fluor*, 808 F.2d 957, 960 (2d Cir. 1987) (written disclaimer of intent to amend in record on appeal cures non-final character of judgment from which appeal has been taken).

Dated: June 26, 2017

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